

In the Court of Appeals of the State of Alaska

Loren Larson Jr.,

Appellant,

v.

**Superior Court, Fourth Judicial
District,**

Appellee.

Court of Appeals No. **A-13449**

Order

Motion to Strike Brief of Appellee

Date of Order: **12/3/2019**

Trial Court Case No. **4FA-18-02677CI**

The State recently filed its brief with the Appellant Clerk for review under Appellate Rule 212. Soon after, the Appellant, Loren J. Larson Jr., filed a motion to strike the State's brief because Mr. Larson believes that rather than address the single issue Mr. Larson raised in his opening brief, the State's brief instead raises two different issues. Mr. Larson points out that because the State did not file a cross-appeal, the State may not raise new issues in its brief.

This Court has reviewed both Mr. Larson's opening brief and the State's brief. In the Court's view, the State is in fact responding to the due process claim that Mr. Larson raises on appeal. In its brief, the State has essentially set out two different reasons why it believes that Mr. Larson should not prevail on his due process claim. Although an appellee is not allowed to raise new issues in an appellee's brief unless it has filed a cross-appeal, an appellee may raise more than one argument to address an appellant's claim of error. Here, the Court concludes that the State is not improperly raising new claims on appeal.

Therefore, the motion to strike the State's brief is **DENIED**. Additionally, as the State's brief has been reviewed for conformance with Appellate Rule 212, the State's brief is accepted for filing.

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Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Joyce Marsh, Deputy Clerk

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